

**Turner , Michele**

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**From:** Blankenship, Johni  
**Sent:** Monday, January 25, 2010 12:07 PM  
**To:** Turner , Michele  
**Subject:** FW: Soldotna Cemetery Site

Johni Blankenship, CMC  
Borough Clerk

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**From:** mmullen@alaska.net [mailto:mmullen@alaska.net]  
**Sent:** Monday, January 25, 2010 11:53 AM  
**To:** Blankenship, Johni; pa12gary@hotmail.com; psprague@acsalaska.net; akjfischer@hotmail.com; hvsmalley@yahoo.com; cpierce@gci.net; bsmith@xyz.net; gsuperman@gci.net; suemccl@gmail.com; mako@xyz.net  
**Subject:** Soldotna Cemetery Site

Dear Assembly Members,

Thank you for the work you have done regarding the transfer of KPB land to the City of Soldotna for use as a cemetery. I hope you might look at the land transfer in its historical perspective. Al Hershberger recalled recently that the first Soldotna City Council didn't even think about a cemetery even though there were pieces of BLM lands available for acquisition. Councilmembers were all fairly young and could envision the need for an airport, school and hospital...but no cemetery.

May I suggest that you avoid looking at this as a Financial Transaction where the Borough must make money, and instead consider this a Transfer of Land from one public entity to another for a clear public purpose. It is an opportunity to correct an early oversight and do the right thing for all the people of this area. We know that the Soldotna Memorial Park Cemetery will serve families from Sterling to Funny River, even parts of Ridgeway and Kalifornsky Beach. Soldotna is willing to design, build and maintain a beautiful final resting place for all who have worked to build this part of Alaska. Your transfer of the land would be fine contribution to this effort.

Sincerely,

Peggy Mullen

1/25/2010

**Turner , Michele**

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**From:** Blankenship, Johni  
**Sent:** Wednesday, January 27, 2010 3:50 PM  
**To:** Turner , Michele  
**Subject:** FW: Ordinance 2010-01  
**Attachments:** SKMBT\_C35210012715150.pdf

## Agenda item

Johni Blankenship, CMC  
Borough Clerk

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**From:** Dale Bagley [mailto:Dale@redoubtrealty.com]  
**Sent:** Wednesday, January 27, 2010 3:39 PM  
**To:** Blankenship, Johni  
**Subject:** Ordinance 2010-01

Hi Johni

Please forward this email to the Mayor and the Assembly members or add to their packet. Thank you.

Dear KP Borough Assembly members

There has been a lot of talk about the amount to charge the City of Soldotna for the 10 acre property that the KP Borough owns off of Redoubt Avenue. I have attached three ordinances passed by past KP Borough Assemblies giving land at less than fair market value to the Cities of Soldotna and Kenai. One of the ordinances is 97-24 which is Crystalline sub Tract 1. This is the property the City of Soldotna currently owns. It was a 10 acre parcel given to the City of Soldotna to use for a settlement pond even though only 2 acres was below the hillside and available to be used as a settlement pond.

I would also add that this is not a complete list of properties given to Cities by the Borough. I only noticed the other two while I was looking for ordinance 97-24. All three passed without a single objection. I realize that past Assembly action do not bind the current Assembly but I would just like to point out that the Borough does give land to the cities at less than fair market value.

The 10 acres parcel that the City of Soldotna currently owns (of which only 7 acres is available to be used for a cemetery) overlooks the Kenai River and will make a beautiful memorial park. The 10 acres that the Borough owns would allow for the cemetery to grow, allow for access and parking. It will also allow us to provide deep buffers around both pieces of property to help address the concerns of the neighbors.

I know this issue has become somewhat controversial, especially over what to charge the City of Soldotna. I know the Assembly will come to a fair amount and the City of Soldotna can finally move forward with the Soldotna Memorial Park which will benefit everyone in this central Peninsula area.

Thank you for all your hard work.

Dale Bagley  
398-1865

1/28/2010

Introduced by:	Mayor
Date:	April 8, 1997
Shortened Hearing:	April 22, 1997
Action:	Enacted
Vote:	Unanimous

## KENAI PENINSULA BOROUGH

### ORDINANCE 97-24

#### AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 10 ACRES OF BOROUGH LAND FOR \$1.00 TO THE CITY OF SOLDOTNA FOR A SEDIMENTATION POND AND ASSOCIATED STORM DRAIN SYSTEM ADJACENT TO THE MARYDALE STORM SEWER OUTFALL

**WHEREAS**, pursuant to KPB 17.10.100 (I) an application has been received from the City of Soldotna to purchase approximately 10 acres of borough land located within the City of Soldotna for a sedimentation pond and associated storm drain system adjacent to the Marydale storm sewer outfall; and

**WHEREAS**, the borough received State of Alaska Quitclaim Deed No. 899 to the subject land; and

**WHEREAS**, subject borough land is classified government; and

**WHEREAS**, the land is deposited into the land bank; and

**WHEREAS**, in order for this project to be bid and completed by the Alaska Department of Transportation and Public Facilities during the 1997 construction season a shortened hearing is requested; and

**WHEREAS**, the KPB Planning Commission will make their recommendation following the regularly scheduled meeting on April 14, 1997.

#### **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the Assembly finds that selling approximately 10 acres of borough land to the City of Soldotna for \$1.00 for a sedimentation pond and associated storm drain system adjacent to the Marydale storm sewer outfall is in the best interest of the public and the Borough. This finding is based on the following facts:

- a. The land will be used for a public purpose beneficial to the general public.
- b. The proposed sedimentation pond and associated storm drain system adjacent to the Marydale storm sewer outfall will assist the City of Soldotna to reduce sediment discharge into the Kenai River and other materials included in runoff water. Any reduction in solid materials and sediments is beneficial to the health of the Kenai River.

**SECTION 2.** The mayor is authorized, pursuant to KPB 17.10.100 (I), Negotiated Sale or Lease, to negotiate the sale of Tract 1, Crystalline Subdivision, KPB file No. 97-015, Kenai Recording District, Third Judicial District, State of Alaska, to the City of Soldotna subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The sales price shall be \$1.00. The sale shall be further subject to the terms and conditions contained in Attachment A, PURCHASE AGREEMENT. The authorization is for negotiation solely with the City of Soldotna, and it may not assign any rights to negotiate or enter an agreement for sale to any other person or entity. The City of Soldotna may accept this offer within 30 days of the date it is communicated to the City.

**SECTION 3.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 4.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY APRIL OF , 1997.**

Introduced by:	Mayor
Date:	12/08/98
Hearing:	01/05/99
Action:	Enacted
Vote:	8 Yes, 1 Abstain

**KENAI PENINSULA BOROUGH**

**ORDINANCE 98-74**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A 9.64± ACRE  
PARCEL WITHIN THE CITY OF KENAI NEXT TO KENAI CENTRAL  
HIGH SCHOOL TO THE CITY OF KENAI AT OTHER THAN  
MARKET VALUE, FOR PUBLIC FACILITIES**

**WHEREAS**, the borough expects to receive a quitclaim deed from the Alaska Mental Health Trust to the subject land through a land exchange as authorized by Ordinance 98-69; and

**WHEREAS**, the land will be deposited into the land bank; and

**WHEREAS**, the City of Kenai has identified this as the most appropriate, suitable area to construct a covered, multipurpose recreational facility for the City of Kenai and a possible site for the Challenger Learning Center of Alaska; and

**WHEREAS**, the City of Kenai is a local government within the Kenai Peninsula Borough providing services to Borough residents; and

**WHEREAS**, the land requested by the City of Kenai should be conveyed at other than fair market value to enable the City of Kenai to better serve Borough residents; and

**WHEREAS**, the KPB Planning Commission at its regularly scheduled meeting of December 14, 1998 recommended enactment by unanimous consent.

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That pursuant to KPB 17.10.120 (D) the Assembly finds that conveying that portion of the W½SW¼SE¼ lying south of the Kenai Spur Highway, R.O.W., Section 33, T6N, R11W, S.M., Alaska to the City of Kenai at other than fair market value, is in the best interest of the public and the Borough. This finding is based on the following facts:

- a. The land will be used for a public purpose beneficial to the general public.
- b. The City of Kenai is a local government within the Kenai Peninsula Borough providing services to Borough residents.
- c. The subject land will provide a site for a covered, multipurpose recreational facility for the City of Kenai and a possible

site for the Challenger Learning Center of Alaska.

**SECTION 2.** The mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate the sale of that portion of the W½SW¼SE¼ lying south of the Kenai Spur Highway, R.O.W., Section 33, T6N, R11W, S.M., Alaska (hereafter referred to as "property") to the City of Kenai, subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The sale price shall be \$1.00. The land shall be conveyed by Quitclaim Deed. The authorization is for negotiation solely with the City of Kenai, and it may not assign any rights to negotiate or enter an agreement for sale to any other person or entity. The multi-purpose facility or Challenger Learning Center shall be placed on the property within three years of the date of this ordinance or the property shall be reconveyed to the borough. This ordinance is contingent on the conveyance of the property to the borough by the State of Alaska, Alaska Mental Health Trust pursuant to Ordinance 98-69.

**SECTION 3.** Exceptions to KPB 17.10.060 requiring classification before deposit in the land bank, KPB 17.10.090, requiring classification and disposition of borough land at fair market value, and KPB 17.10.110, Notice of disposition, are appropriate based on the following findings:

1. That special circumstances or conditions exist:

**FINDING:** Special circumstances exist in that this is a conveyance to another government entity, City of Kenai, for the purpose of constructing public facilities benefitting the residents of the borough.

2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter:

**FINDING:** Classification prior to deposit in the land bank and sale at fair market value as required by KPB 17.10.060 and 17.10.090 is unnecessary as the property is committed for facilities which will benefit all borough residents. A deed restriction requiring the property to be used for governmental purposes will be included in the conveyance without classifying the parcel. The projects planned for the property are time-critical and forgoing the classification process will expedite development of the involved public facilities. Classifying the property during the short time the borough will own it will not serve a useful purpose. Classifying the property will not direct how the borough will manage or dispose of the property; the City of Kenai will be managing the property and the purpose of the disposal is already known, i.e. the establishment of public facilities.

KPB 17.10.110 Notice of Disposition, requires publishing notice of the sale four times in the 30-day period immediately preceding the date of the sale. This notice requirement is intended to make the public aware of the opportunity to purchase borough land and will not serve a useful purpose in this situation because the grantee and purpose for the conveyance are already identified.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

**FINDING:** Conveying the land to the City of Kenai will not be detrimental to the public welfare or injurious to other property in the area. The proposed covered, multipurpose recreational facility for the City of Kenai and Challenger Learning Center of Alaska are public purposes benefitting borough residents. The development is compatible with adjacent school facilities because the new facilities will be used in part for certain school-related activities and educational enhancement and for the use and benefit of the general public.

**SECTION 4.** The land shall be conveyed subject to a covenant in the deed restricting the use of the land to government purposes as defined by KPB 17.10.250(O).

**SECTION 5.** The mayor is authorized to sign any documents necessary to effectuate this ordinance upon receipt of a deed to the property from the State of Alaska Mental Health Trust.

**SECTION 6.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY ,**

1999.

Ronald Wm. Drathman, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk

Introduced by: Mayor  
Date: February 4, 1987  
Hearing: March 3, 1987  
Action: ENACTED  
Vote: UNANIMOUS

KENAI PENINSULA BOROUGH  
ORDINANCE 87-9 (SUBSTITUTE)

AUTHORIZING THE DISPOSAL OF BOROUGH LANDS TO THE CITY OF SOLDOTNA  
TO PROVIDE A SITE FOR A ONE MILLION GALLON WATER RESERVOIR.

WHEREAS, the Borough has received patent number 6113 to  
lands located within Section 1, T4N, R11W, S.M., Alaska pursuant  
to the Municipal Entitlement Act; and

WHEREAS, the City of Soldotna desires to construct a one  
million gallon water reservoir to serve properties lying south of  
the Sterling Highway bridge which crosses the Kenai River; and

WHEREAS, the construction of a new water reservoir would  
enhance fire protection; and

WHEREAS, the City of Soldotna has offered to waive the  
special assessment and to pay all surveying and platting costs;  
and

WHEREAS, the Borough Planning Commission reviewed this item  
at its meeting of February 23, 1987,

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI  
PENINSULA BOROUGH THAT:

Section 1. The following described lands are classified for  
disposal to the City of Soldotna.

A tract of land containing five (5) acres, more or less,  
located within a portion of the SE $\frac{1}{4}$  of Section 1, T4N,  
R11W, S.M., Alaska.

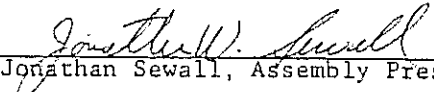
Section 2. A warranty deed subject to reservations,  
restrictions, conditions, covenants, easements, rights-of-way of  
record and encroachments ascertainable by physical inspection  
shall be issued to the City of Soldotna upon completion of a  
survey and filing of a plat in accordance with all ordinances,  
laws, and regulations.

Section 3. In exchange for the parcel of land, the City of  
Soldotna shall waive the special assessment and pay all costs  
related to the surveying, platting and filing of the plat with  
the District Recorder.

Section 4. The Mayor is authorized to sign all documents necessary to effectuate this ordinance.

Section 5. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS  
3rd DAY OF March, 1987.

  
Jonathan Sewall, Assembly President

ATTEST:

  
Borough Clerk

KENAI PENINSULA BOROUGH  
Ordinance 87-9 (Substitute)



**From:** Blankenship, Johni  
**Sent:** Monday, February 01, 2010 8:12 AM  
**To:** Turner , Michele  
**Subject:** FW: 2010-1

Agenda item.

Johni Blankenship, CMC  
Borough Clerk

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**From:** Brian Hakkinen [mailto:hakkinen1234@acsalaska.net]  
**Sent:** Saturday, January 30, 2010 10:11 PM  
**To:** Blankenship, Johni; pa12gary@hotmail.com; psprague@acsalaska.net;  
akjfischer@hotmail.com; hvsmalley@yahoo.com; cpierce@gci.net; bsmith@xyz.net;  
gsuperman@gci.net; suemccl@gmail.com; mako@xyz.net  
**Subject:** 2010-1

Good morning assembly members and president

I strongly urge you to oppose ordinance 2010-1 selling 10 acres of borough residents land at a fire sale price. The city of Soldotna has plenty of land in which to build a cemetery. Not only are the borough residents losing money on this sale they will continue to lose money for eternity because city cemeteries pay no property tax. If this property were to be developed by a private developer the property would probably generate about \$200,000 per year in taxes. In five years that is one million dollars borough residents loose. That is not good. Any assembly member or president must recuse themselves from voting because if this were to pass Soldotna would save a bundle which would show up in city tax breaks for Soldotna residents. Let's all vote this stinker down!

Brian Hakkinen  
24222 Kalifornsky Beach Road  
Kasilof, AK 99610

**Turner , Michele**

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**From:** Blankenship, Johni  
**Sent:** Tuesday, February 16, 2010 8:13 AM  
**To:** Turner , Michele  
**Subject:** FW: Borough residents cemetery

**Agenda item**

Johni Blankenship, CMC  
Borough Clerk

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**From:** Brian Hakkinen [mailto:hakkinen1234@acsalaska.net]  
**Sent:** Monday, February 15, 2010 3:42 PM  
**To:** Blankenship, Johni; pa12gary@hotmail.com; psprague@acsalaska.net; akjfischer@hotmail.com; hvsmalley@yahoo.com; cpierce@gci.net; bsmith@xyz.net; gsuperman@gci.net; suemccl@gmail.com; mako@xyz.net  
**Subject:** Borough residents cemetery

Good morning Mr President and Assembly members

I would like to urge you to oppose ordinance 2010-01. This ordinance gives away part of the borough residents most valuable assets. Their land. In this case \$.5million worth of land. It wasn't too long ago that the borough paid top dollar for some real estate to add on to the old folks home. Why would we want to give away borough land when we have to turn around and purchase more land for more than market value? Soldotna residents already agreed to locate a cemetery near the airport or on Knight Drive. What right does the Mayor of Soldotna demand that we give his town primo real estate? He says that this will be a cemetery for borough residents. If the borough needs a cemetery than it should be up to the residents of the borough to decide where to locate said cemetery. The borough has already located many facilities in Soldotna. Borough offices, 911ems, hospital, old folks home, Kenai River Center School District offices. If it were not for the borough Soldotna would not have much of an industry. The cemetery reminds me of the Sports Center. All borough residents pushed for a Central Peninsula Sports Center which came about. Before too long it became the Soldotna Sports Center. Soldotna looks out for Soldotna. I think all other borough communities have developed cemeteries without the borough getting involved. Please vote down this real estate giveaway.

Brian Hakkinen  
24222 Kalifornsky Beach Road  
Kasilof